

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

RECEIVED

2007 JAN 16 P 2:40

**ANNYE J. THOMAS c/o
THE ESTATE OF LAKECIA Q.
BROADNAX,**

Plaintiff,

VS.

**AUTO-OWNERS INSURANCE
COMPANY,**

Defendant.

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

CIVIL ACTION NO.: 2:06-cv-1091-MHT

RESPONSE TO SHOW CAUSE ORDER

COMES NOW, Defendant, Auto-Owners Insurance Company (Auto-Owners), and responds to the Court's January 9, 2007, show cause order (Doc. 5) as follows, to wit:

1. This Honorable Court entered an order (Doc. 5) on January 9, 2007, that the parties show cause why this lawsuit should not be dismissed for want of prosecution and for failure to file the Rule 26(f) report as required the Court's December 12, 2006, order (Doc. 4).
2. Counsel for Defendant did not receive the Court's December 12, 2006, Rule 26(f) order from the Court. Until entry of the Court's order (Doc. 5) on January 9, 2007, counsel for Defendant was unaware of the entry of the Rule 26(f) order (Doc. 4) herein and did not knowingly disregard the Court's order. Counsel for Defendant obtained a copy of the Rule 26(f) order (Doc. 4) on their own following the entry of the Court's January 9, 2007 show cause order (Doc. 5).
3. Attached as Exhibit "A" to this response to show cause order is the parties'


2. Counsel for Defendant did not receive the Court's December 12, 2006, Rule 26(f) order from the Court. Until entry of the Court's order (Doc. 5) on January 9, 2007, counsel for Defendant was unaware of the entry of the Rule 26(f) order (Doc. 4) herein and did not knowingly disregard the Court's order. Counsel for Defendant obtained a copy of the Rule 26(f) order (Doc. 4) on their own following the entry of the Court's January 9, 2007 show cause order (Doc. 5).

3. Attached as Exhibit "A" to this response to show cause order is the parties'

proposed report of planning meeting. The report has been signed by counsel for Defendant, but has not been signed by counsel for Plaintiff because he is out of town and unavailable to sign the report. Counsel for Defendant has, however, spoken to counsel for Plaintiff and understands that counsel for Plaintiff is agreeable to, and has consented to the submission of the attached Report Of Parties' Planning Meeting.

WHEREFORE, Defendant, Auto-Owners Insurance Company files its response to show cause order and submits the attached Report Of Parties' Planning meeting.

Dated this the 16th day of January, 2007.



ROGER S. MORROW (MOR032)



JOEL H. PEARSON(PEA019)
Attorneys for Defendant Auto-Owners
Insurance Company

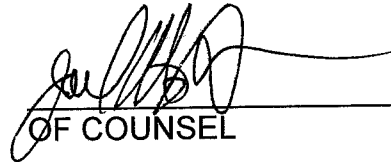
OF COUNSEL:

MORROW, ROMINE & PEARSON, P. C.
122 South Hull Street
P. O. Box 4804
Montgomery, Alabama 36103-4804
Telephone: (334) 262-7707
Facsimile: (334) 262-7742

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing document upon the following by placing a copy of same in the United States mail, first class postage prepaid on this the 16th day of January, 2007.

Hon. Rodney Newman Caffey
P.O. Box 2012
Montgomery, AL 36102



OF COUNSEL

EXHIBIT “A”

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

RECEIVED

**ANNYE J. THOMAS c/o
THE ESTATE OF LAKECIA Q.
BROADNAX,**

Plaintiff,

V.

**AUTO-OWNERS INSURANCE
COMPANY,**

Defendant.

2007 JAN 16 P 2:40

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

CIVIL ACTION NO.: 2:06-cv-1091-MHT

REPORT OF PARTIES' PLANNING MEETING

1. Pursuant to Fed.R.Civ.P. 26(f), a meeting was held by counsel for the parties for the purposes of making the following report to the Court:

- A. For The Plaintiff, Annys J. Thomas, c/o the
Estate of Lakecia Q. Broadnax:

Rodney Newman Caffey
P.O. Box 2012
Montgomery, AL 36102

- B. For the Defendant, Auto-Owners Insurance Company:

Roger S. Morrow
Joel H. Pearson
Morrow, Romine & Pearson, P.C.
122 South Hull Street
P.O. Box 4804
Montgomery, Alabama 36103-4804

2. Pre-Discovery Disclosures. The parties will exchange by February 16, 2007 the information required by Fed.R.Civ.P. 26(a)(1).

3. **Discovery Plan.** The parties jointly propose to the court the following

discovery plan:

Discovery will generally be needed regarding the subject insurance policy, accident, automobile and on all aspects of the claims and damages alleged by the Plaintiff, and regarding all defenses asserted by Defendant in this action.

All discovery commenced in time to be completed by November 1, 2007.

Maximum of 45 interrogatories by each party to any other party. Responses due 30 days after service.

Maximum of 45 requests for production of documents by each party to any other party. Responses due 30 days after service.

Maximum of 20 requests for admission by each party to any other party. Responses due 30 days after service.

Maximum of 8 depositions (excluding experts) by plaintiff and 8 by defendant unless otherwise agreed by the parties. Each deposition is limited to a maximum of 8 hours unless extended by agreement of the parties.

Reports from retained experts under Rule 26(a)(2) due:

from plaintiff(s) by July 2, 2007.

from defendant(s) by August 15, 2007.

Any party shall be allowed thirty days in which to identify rebuttal expert(s) following the identification of expert witness(es) by another party.

4. Other Items.

The parties do not request a conference with the court before entry of the scheduling order.

The parties request a pretrial conference in February 2008.

Plaintiff shall be allowed until April 2, 2007 to join additional parties and amend the pleadings.

All potentially dispositive motions should be filed by November 15, 2007.

Settlement may be enhanced by the use of alternative dispute resolution procedures, but cannot be evaluated until the completion of discovery on November 1, 2007. Final lists of witnesses (excluding experts) and exhibits under Rule 26(a)(3) due by no later than 30 days prior to trial.

Parties shall have 14 days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3).


This action should be ready for trial by March 3, 2008, and at this time is expected to take approximately two days.

Date: 1-16-07

RODNEY NEWMAN CAFFEY, CAF002
Attorney for Plaintiff, Annye J. Thomas,
c/o the estate of Lakecia Q. Broadnax

OF COUNSEL:

ATTORNEY AT LAW
P. O. Box 2012
Montgomery, Alabama 36102
Telephone: (334) 220-4310



ROGER S. MORROW, MOR032
JOEL H. PEARSON, PEA019
Attorneys for Defendant, Auto-Owners
Insurance Company

OF COUNSEL:

MORROW, ROMINE & PEARSON, P.C.
122 South Hull Street
P.O. Box 4804
Montgomery, Alabama 36103-4804
Telephone: (334) 262-7707
Facsimile: (334) 262-7742